



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

AES:MEB/HDM  
F. #2016R00695

*271 Cadman Plaza East  
Brooklyn, New York 11201*

August 20, 2019

By Hand and ECF

The Honorable William F. Kuntz, II  
United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Jean Boustani, et al.  
Criminal Docket No. 18-681 (S-1) (WFK)

Dear Judge Kuntz:

The government writes to respectfully request that the Court arraign the defendant Jean Boustani tomorrow on the recently-filed Superseding Indictment (ECF 137), as the parties are scheduled for oral argument tomorrow regarding the defendant's outstanding pre-trial motions. (ECF 131) (setting oral argument).

The Superseding Indictment charges the defendant with the same three offenses as the original Indictment (Counts One, Two and Four), but adds certain allegations and overt acts that, among other things, detail the defendant and his co-conspirators' reliance on the U.S. financial system and recruitment of U.S. investors in the charged wire fraud, securities fraud and money laundering conspiracies in advance of trial. (ECF 137 ¶¶ 24, 27, 73, 89, 90, 99(b), 99(q)-(u)). While the Superseding Indictment adds certain information regarding the territoriality of the charged offenses, the original Indictment in this case was more than sufficient for all of the reasons set out in the government's opposition to the defendant's motion to dismiss (ECF 113). See United States v. Yannotti, 541 F.3d 112, 127 (2d Cir. 2008) (to withstand a motion to dismiss, "an indictment need do little more than to track the language of the statute charged and state the time and place (in approximate terms) of the alleged crime.").

The Superseding Indictment also eliminates from the caption two co-conspirators, Andrew Pearse and Detelina Subeva, who recently pled guilty before Your Honor. Further, the Superseding Indictment modifies the specified unlawful activities for Count Four, money laundering conspiracy, by removing certain violations of foreign law that the government will not seek to prove here, and adding circumvention of internal controls. (ECF 137 ¶ 104).

A copy of the Superseding Indictment is enclosed. In addition, for ease of the Court and defense counsel's review, the government will separately send the Court and defense counsel a redline document showing the changes between the original Indictment and the Superseding Indictment.

Respectfully submitted,

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United States Attorney

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Enclosure

cc: Clerk of Court (by ECF)  
Randall W. Jackson, Esq. (by ECF)  
Michael S. Schachter, Esq. (by ECF)  
Casey E. Donnelly, Esq. (by ECF)